IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.2782 OF 2005

Ramharesh Mourya .. ..Petitioner

Versus

State of Maharashtra and Ors. .. ..Respondents

Mr.Anil C. Singh i/b D.R.Shah for Peitioner

Ms Geeta Shastri, AGP for respondents

CORAM : P.V.KAKADE, J.

DATE : 7TH DECEMBER,2005

P.C.:

1. Heard the learned counsel for both the parties. Perused the record.

2. Rule, rule made returnable forthwith by consent.

3. The Petitioner runs M/s. Shri Durga Hotel at Malad, who holds various licences such as licence for

sale of liquor, licence to keep place of Public Entertainment. On 29.5.2005 a show cause notice was issued by 3rd Respondent for alleged breach of provisions of Bombay Police Act and Rules for Licensing and Controlling Places of Public Amusement and Performances for Public Amusement including Melas and Tamashas, 1960. Show cause notice was replied. The petitioner was given personal hearing and respondent no.3 thereafter passed final order dated 27.10.2005 ordering suspension of Petitioner's licence for 45 consecutive days. As provided under Section 33(1) of the Bombay Police Act, 1951 the petitioner preferred an appeal before the State Government. The Dy. Chief Minister (Home) who gave personal hearing to the Petitioner and passed order dated 29.10.2005 dismissing the appeal. By virtue of the said order the licence came to be cancelled permanently. Hence the present petition.

4. After hearing both the parties for some time the parties have agreed that the matter should be remanded to the Dy. Chief Minister (Home) for adjudication afresh after giving opportunity to the Petitioner to put up his case reasonably and as such I do not see any

reason why the matter should not be remanded for proper hearing in the matter.

5. Hence the order dated 29.10.2005 passed by Dy.Chief Minister (Home) is hereby set aside and the matter is remanded to the concerned authority for hearing afresh after giving opportunity to the petitioner in this regard to be heard personally. The matter to be adjudicated within a period of 12 weeks from the receipt of Writ of this Court. With this direction the Petition stands disposed of. Rule stands discharged.